

**MINUTES**  
**State Allocation Board**  
**January 26, 2005**

Upon notice duly given, the monthly meeting of the State Allocation Board was held in Room 4202 of the State Capitol, Sacramento, California on January 26, 2005 at 2:00 p.m.

Members of the Board present were as follows:

- Anne Sheehan, Chief Deputy Director, Policy, Department of Finance, designated alternate for Thomas Campbell, Director, Department of Finance
- Rob Cook, Deputy Director, Interagency Support Division, Department of General Services, designated alternate for Ron Joseph, Director, Department of General Services
- Kathleen Moore, Director, California Department of Education, designated representative for Jack O'Connell, Superintendent of Public Instruction
- David Sickler, Southern Regional Director, State Building & Construction Trades Council of California
- Senator Bob Margett
- Senator Alan Lowenthal
- Senator Jack Scott
- Assembly Member Lynn Daucher
- Assembly Member Jackie Goldberg
- Assembly Member Gene Mullin

Representative of the State Allocation Board (SAB) was as follows:

Bruce B. Hancock, Assistant Executive Officer

Representative of the Department of General Services, Office of Public School Construction (OPSC), was as follows:

Jacqueline R. Wilson, Deputy Executive Officer

Representative of the Department of General Services, Office of Legal Services, was as follows:

Garry Ness, Assistant Chief Counsel

With a quorum present, Ms. Sheehan, Chair, called the meeting to order at 2:08 p.m.

**PRIOR MINUTES**

A motion was made and carried to approve the Minutes for the December 8, 2004 SAB meeting. However, Senator Jack Scott, Senator Alan Lowenthal, Assembly Member Gene Mullin, and Ms. Kathleen Moore abstained from voting on the Minutes as they were not at the December 8, 2004 meeting.

The Chair, on behalf of the Board, thanked Mr. Bruce B. Hancock for his many years of service and wished him the best on his next endeavor.

**EXECUTIVE OFFICER'S STATEMENT**

The Deputy Executive Officer advised the Board on two items: 1) that the staff continues to work with the Clovis Unified School District and California Department of Education regarding the District's request for special consideration of its joint-use project, and anticipates reporting on the request at a future SAB meeting; 2) that the Charter School Facility Program preliminary apportionments were anticipated to be presented at the January 26, 2005 SAB meeting, but the Office of Public School Construction (OPSC) received two appeals that could directly impact the funding matrix. One of the appeals was withdrawn and staff felt it appropriate to present and resolve the one appeal at today's (January 26, 2005) meeting before the Charter School Facility Program applications for

preliminary apportionments could be presented. Staff anticipates presenting the Charter School Facility Program applications for preliminary apportionments at the February 23, 2005 SAB meeting.

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## **CONSENT ITEMS**

In considering this item, the Board approved the consent calendar as presented.

## **FINANCIAL REPORTS**

### ***Annual Adjustment to School Facility Program Grants***

In considering this item, the Board approved the School Facility Program project apportionments in the Consent calendar using the proposed index as shown in the Annual Adjustment to School Facility Program Grants agenda item (page 148) and that the apportionments are not final until further adjustment has been made based on the Construction Cost Index approved by the Board (on October 27, 2004) following finalization and approval by the Office of Administrative Law. Motion was made and carried with the following votes:

MEMBER	AYE	NAY	ABSTAIN	ABSENT
Senator Margett				X
Senator Lowenthal	X			
Senator Scott	X			
Assembly Member Daucher	X			
Assembly Member Goldberg	X			
Assembly Member Mullin	X			
Rob Cook	X			
Kathleen Moore	X			
David Sickler	X			
Anne Sheehan	X			
Total	9			1

#### **Motion:**

Carried   X  

Failed       

### ***Status of Funds***

The Board accepted the Status of Funds report as presented.

## **SPECIAL CONSENT ITEMS**

### ***School Facility Program Time Limit on Fund Release Rescissions***

In considering this item, the Board approved the staff's recommendations.

### ***School Facility Program Substantial Progress Reductions to Costs Incurred and Rescissions***

In considering this item, the Board approved the staff's recommendations.

### ***Deferred Maintenance Program Extreme Hardship Project Time Extension***

In considering this item, the Board approved the staff's recommendation.

### ***Mendocino Unified/Mendocino 51/65581-00-001 and 58/65581-00-001***

In considering this item, the Board approved the staff's recommendations.

**SPECIALS/APPEALS*****School Facility Program Charter School Projects:  
Watts Learning Center/Los Angeles Unified 54/64733-00-028***

In considering this item, the Board directed staff to contact the Los Angeles Unified School District to ask them if it indeed was their assumption that Watts Learning Center was going to apply independent of the District. If their assumption was that the application was going to go forward, obtain the response in writing and then the appeal would be placed on the Charter School Facility Program preliminary apportionment funding list. Motion was made and failed with the following votes:

MEMBER	AYE	NAY	ABSTAIN	ABSENT
Senator Margett		X		
Senator Lowenthal	X			
Senator Scott	X			
Assembly Member Daucher		X		
Assembly Member Goldberg	X			
Assembly Member Mullin		X		
Rob Cook		X		
Kathleen Moore	X			
David Sickler	X			
Anne Sheehan		X		
Total	5	5		

**Motion:**

Carried \_\_\_\_\_

Failed   X  ***Ceres Unified/Stanslaus 50/71043-00-002, 003, 004, 005, 006, and 007***

Senator Jeffrey Denham, Assembly Members David Cogdill and Greg Aghazarian addressed the Board in support of the District. In addition, Mr. Jay Simmonds, representing the Ceres Unified School District, addressed the Board. In considering this item, the Board held this item over and asked staff to work with the District and come up with some solutions, possibly legislative solutions for both the Ceres Unified School District's situation as well as other hardship school districts that are similarly situated.

***Oxnard Elementary/Ventura***

Mr. Chris Ochilla and Ms. Jacqueline Moore with the Ochilla Law Firm, addressed the Board in support of the District. In addition, Mr. Sal Godoy, representing the Oxnard Elementary School District, and Mr. Gary Kaffe, Chief, Office of Airports, Division of Aeronautics, Caltrans, addressed the Board. ~~In considering this item, the Board approved the staff recommendation.~~ Motion was made and carried to allow the Oxnard Elementary School District to move ahead with their plans to build an elementary school located at 5<sup>th</sup> and Patterson with the following votes:

MEMBER	AYE	NAY	ABSTAIN	ABSENT
Senator Margett	X			
Senator Lowenthal	X			
Senator Scott	X			
Assembly Member Daucher	X			
Assembly Member Goldberg	X			
Assembly Member Mullin		X		
Rob Cook			X	
Kathleen Moore	X			
David Sickler	X			
Anne Sheehan	X			
Total	8	1	1	

**Motion:**

Carried   X    
Failed       

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**REGULATIONS**

***Amendments to the School Facility Joint-Use Program***

In considering this item, the Board approved the staff's recommendations with Assembly Member Goldberg abstaining.

***Williams Settlement - Senate Bill 6 (Chapter 899/2004)***

Mr. Eric Hall, Associate Superintendent of the San Dieguito Union High School District as well as the Chair of the CASH organization, addressed the Board. In considering this item, the Board approved the staff's recommendations.

***Williams Settlement – Senate Bill 550 (Chapter 900/2004)***

In considering this item, the Board approved the staff's recommendation.

***Williams Settlement – Modifications to the School Facility Program and Deferred Maintenance Program As A Result of the Williams Settlement***

In considering this item, the Board approved the staff's recommendations.

**INFORMATION/REFERENCE**

***Remaining Board Meeting Dates for the Calendar Year 2005***

***School Facility Program Workload List***

***Facility Hardship/Rehabilitation Approvals without Funding List as of December 8, 2004***

**MISCELLANEOUS/OTHER ISSUES**

The Board directed staff to bring an item back regarding school districts complying with the Americans with Disabilities Act (ADA) requirements when making repairs under the Emergency Repair Program. The Board expressed interest in the limited amount of money available for school projects that will not qualify for an exception from the ADA and whether the Emergency Repair Program included an appropriation for ADA compliance.

In addition, the Board expressed interest in the California Department of Education's (CDE) Deciles 1-3 Schools List for the Williams Settlement. Specifically, the Board questioned why and how many small schools have been eliminated from the list. The Board directed the CDE to report back at the February 23, 2005 SAB meeting to discuss how the list was prepared and what the process was for eliminating schools from the list.

The Board informed staff that the fourth Wednesday in March (March 23, 2005) is during spring break for the Legislature and it was asked that the March SAB meeting be rescheduled to March 30, 2005.

**CLOSED SESSION**

In accordance with Section 11126(e)(1) of the Government Code, the Board adjourned to a closed session for the purpose of conferring with and receiving advice from counsel regarding *Godínez v. Davis et al.* Immediately following this closed session and in accordance with Section 11126(a)(1) of the Government Code, the Board went into another closed session for the purpose of considering the appointment of the Assistant Executive Officer.

Upon conclusion of the closed sessions, the Board reconvened into open session at 6.55 p.m.

**ADJOURNMENT**

There being no further business to come before the Board, the Chair adjourned the meeting at 6:58 p.m.

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**JACQUELINE R. WILSON, Deputy Executive Officer**